

CITY OF MUSKEGON  
MUSKEGON HOUSING BOARD OF APPEALS  
MEETING MINUTES  
08/04/05  
5:30PM

ATTENDANCE: Randy Mackie, Greg Borgman, Nick Kroes, Jon Rolewicz, Ed Simmons

ABSENT:

EXCUSED: John Warner, Clara Shepherd

STAFF: Henry Faltinowski, Carmen Smith, Don LaBrenz, Major Metcalf, Mark Kincaid, Kevin Stier

GUESTS: Andrew Johnson, JR Developers LLC (1160 Sanford), William/Gail Anderson (442 W. Muskegon)

Meeting minutes: A motion was made by Nick Kroes and seconded by Jon Rolewicz to approve the July minutes.

A roll call vote was taken:

AYES:  
Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Ed Simmons

Clara Shepherd

John Warner

Motion carried.

## **DANGEROUS BUILDING NEW CASES:**

### **EN-050103 –442 W. Muskegon – William/Gail Anderson, 845 Catherine, Muskegon, MI 49442**

William and Gail Anderson was present to represent this case.

Greg Borgman reviewed case. Mr. Anderson asked if initial inspection was an exterior inspection and asked where notice was mailed. Staff responded the notice & order was sent to 1920 Fifth Street, the address on the tax records but the notice for this meeting was sent to 845 Catherine. Mr. Anderson said he was at the 442 W. Muskegon address prior to June cutting bushes and left them piled up and city removed and sent invoice for brush removal which he paid. Nick Kroes clarified that the Environmental Department would be concerned about removal of lawn waste the Housing Board of Appeals is concerned about structure of building. Mr. Kroes asked if Mr. Anderson had seen the exterior inspection report which Mr. Anderson responded no he had not seen the report. Mr. Anderson said the notice was posted on the white part of the house and went unnoticed for about week. Mr. Anderson stated windows, doors and part of siding was stolen and the insurance company assessed damage and he showed pictures he took. He stated Clara Shepherd brought them the notice informally and they informed her to notify Inspections that they were improperly notified. Mr. Kincaid stated the Catherine address was acquired from the water billing department because the tax assessment rolls still showed 1920 Fifth Street as the owners address. Mrs. Anderson said they had been to court regarding an environmental issue and it was brought to the courts attention that they lived at 845 Catherine. Mr. Kincaid stated the structure is always posted to ensure notification if the Inspections Department don't have the correct address. Nick Kroes asked about intentions for the house. Greg Borgman reviewed inspection report. Mr. Anderson said intention is to sell the house and there had been a buyer on land contract that but the deal fell through. Mr. Anderson said he plans to sell the property "as is" whatever condition that is when the buyer comes by. Mr. Anderson stated he has started working on the outside first because he wanted the property to look good. He stated the house has a new roof and said he had someone to finish the shingles hanging off the edge. He said he didn't plan to pull permits for work inside because he's selling house "as is" but said he would fix inside if it doesn't sell right away. Mr. Anderson said he's put in new windows in garage and its been scraped an painted, the siding has been replaced and new storm windows and doors have been replaced on home. Staff was asked by board what permits should have been pulled. Staff stated permits should have been obtained for roofing and no permit was issued. Mr. Anderson stated he didn't know a permit was required. Henry Faltinowski stated the reason he and Fire Marshall Metcalf were brought to property initially was because children living upstairs in a bedroom without enough egress and stairs were in an unstable condition. Nick Kroes stated in situations like this the board would ask that an interior inspection be allowed so board and Inspection Department can know what we're dealing with and asked if Mr. Anderson would be willing to submit to an interior inspection. Mr.

Faltinowski said an interior inspection that was done was based on a complaint that a family was living in dangerous conditions. Mr. Anderson asked if a property is sold "as is" does it require inspection. Don LaBrenz stated no you can sell, but issues don't go away, new owner assumes problem. Nick Kroes asked if board would table if Mr. Anderson would be willing to submit to interior inspection so board would know if there are any issues they should know about.

Staff Recommendation: Table until October 2005 with owner to schedule an interior inspection.

A motion was made by Nick Kroes and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes

NAYES:

Ed Simmons

EXCUSED:

Clara Shepherd  
John Warner

ABSENT:

Motion carried.

**DANGEROUS BUILDING REVIEW CASES:**

**EN-040043-1160 Sanford –JR Developers LLC, 1556 Dykstra Rd, Muskegon, MI 49445**

Andrew Johnson was present to represent case.

Mr. Johnson brought pictures to show condition at the beginning of repairs and the progress made. He stated repairs are almost finish and Henry Faltinowski had been there to conduct an inspection on July 5, 2005. Permit was pulled on May 30<sup>th</sup> and 36 days later a lot of progress has been made. They are now re-roofing porch roof. Greg Borgman stated this property is not new to board. Mr. Johnson said he wasn't aware when purchasing that it was on dangerous building list. Greg Borgman stated previous owners appeared before board and thought it would be easy to fix up. Mr. Kincaid stated much progress has been made and even though the permits have expired staff would recommend case be tabled until September HBA meeting.

Staff Recommendation: Table case until September 2005 to provide owner time to complete repairs and schedule inspections agreeable to owner and Inspections Department.

A motion was made by Randy Mackie and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Ed Simmons		Clara Sheperd	
		John Warner	

Motion carried.

**EN-030070- 1869 Manz – Tiffany Haueisen, 1869 Manz, Muskegon, MI 49442**

No one was present to represent this case.

Mark Kincaid stated owners are making good progress they did make contact with Inspections and couldn't attend meeting.

Staff Recommendation: Table case until September 2005.

Motion made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			

Ed Simmons

Clara Shepherd

John Warner

Motion carried

**DANGEROUS BUILDING NEW CASES:**

**EN-050097- 856 Fork – Tammie Robinson, 856 Fork, Muskegon, MI 49442**

No one was present to represent case.

Mark Kincaid stated the case was a fire damaged home and has been on the Inspections department radar for quite some time and have received complaints from neighbors. Permits have expired and no progress being made.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

**AYES:**

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes

**NAYES:**

**EXCUSED:**

**ABSENT:**

Ed Simmons

Clara Shepherd

John Warner

Motion carried.

**EN-050094 – 235 Monroe – Steven R./Amy S. Kelly, P.O. Box 84, Fruitport, MI 49415**

No one was present to represent case.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
		Clara Shepherd	
Ed Simmons			
		John Warner	

Motion carried

#### OLD BUSINESS:

Mark Kincaid updated the board on 915 W. Hackley, a case brought before the board last month, where a question on who had the mortgage on the property. There has been no owner contact since that meeting. The case was tabled for 30 days which went beyond the August meeting so it will be on next months agenda.

A motion was made by Jon Rolewicz and second by Randy Mackie that the case at 915 W. Hackley be brought back on the September 2005 agenda.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
		Clara Shepherd	
Ed Simmons			
		John Warner	

Motion carried

There was discussion amongst board members and staff regarding new owners, land contracts and properties being sold "as is". Ed Simmons asked about property at Marquette and Getty. Don LaBrenz stated an apartment complex is being built there.

NEW BUSINESS:

**ADJOURNMENT: 6:30 P.M.**

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF  
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Gail Kunding, City Clerk  
933 Terrace Street  
Muskegon, MI 49443  
(616) 724-6705 or TDD (616) 724-6773